

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 910

Introduced by Assembly Member Washington

February 25, 1999

An act to add ~~Section 1538.1~~ *Sections 1538.1 and 1538.4* to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 910, as amended, Washington. Foster family homes: unfounded complaints.

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services and requires the department to establish regulations for foster family homes.

This will would prohibit the department from communicating to a placement agency any ~~unsubstantiated~~ *unfounded* complaint against a foster family home.

This bill would authorize the department to purge unfounded or inconclusive complaints from its files, after a specified time period, if requested in writing by the licensee against whom the complaint was filed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1538.1 is added to the Health and Safety Code, to read:

1538.1. In order to restrict a placement agency from using an ~~unsubstantiated~~ *unfounded* complaint as a basis for an adverse placement decision, the department shall not make available or communicate to a placement agency, as defined in Section 1536.1, any ~~unsubstantiated~~ *unfounded* complaint against a foster family home.

SEC. 2. Section 1538.4 is added to the Health and Safety Code, to read:

1538.4. (a) Complaints determined by the department to be *unfounded* may be purged from the files of the department after one year if requested in writing by the licensee against whom the *unfounded* complaint was filed.

(b) Complaints determined by the department to be *inconclusive* may be purged from the files of the department after seven years if requested in writing by the licensee against whom the *inconclusive* complaint was filed.

(c) To request that an *unfounded* or *inconclusive* complaint be purged, the licensee may submit a written request to the department. The department shall notify the licensee in writing within 45 days of receipt of the licensee's request whether or not the *unfounded* or *inconclusive* complaint will be purged. The department shall, in any notification to a licensee indicating that the complaint will not be purged, include its reasons for not purging the complaint.